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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,532	02/09/2001	Masamichi Ito	862.C2111	5761

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EXAMINER	
TRAN, THAI Q	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/779,532	ITO ET AL.	
	Examiner	Art Unit	
	Thai Tran	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7-9, 11, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Olivo, Jr. (US 5,172,111).

Regarding claim 1, Olivo, Jr. discloses an image processing apparatus (Fig. 2B) for reproducing a recorded digital data stream, comprising:

determination means determining whether object having a predetermined attribute exists the recorded digital data stream (detecting MCS disclosed in col. 7, lines 8-24); and

reproducing means for reproducing the recorded digital data stream while replacing the object with a new object generated based on information of the object being reproduced, in a case where said determination means determines that the object having the predetermined attribute exists (preventing playback of all or part of a program disclosed in col. 7, lines 24-61).

Regarding claim 4, Olivo, Jr. discloses the wherein said reproducing means selects any one of an original object, the new object and non-display of the object, in reproducing the object having the predetermined attribute (alternative program source disclosed in col. 17, lines 27-50).

Regarding claim 5, Olivo, Jr. discloses the claimed wherein the predetermined attribute includes a real-time information attribute which is significant in recording digital data stream (alternative program source disclosed in cal. 17, lines 27-50).

Regarding claim 7, Okada et al discloses a display device (Fig. 2B) for receiving and displaying digital data reproduced by a reproducing device, comprising:

determination means determining whether object having a predetermined attribute exists digital data (detecting MCS disclosed in col. 7, lines 8-24); and

display control means for displaying a video image while replacing the object with a new object generated based on information of the object being reproduced, in a case where said determination means determines that the object having the predetermined attribute exists (preventing playback of all or part of a program disclosed in col. 7, lines 24-61).

Regarding claim 8, Olivo, Jr. discloses the wherein said display control means selects any one of an original object, the new object and non-display of the object, in reproducing the object having the predetermined attribute (alternative program source disclosed in col. 17, lines 27-50).

Regarding claim 9, Olivo, Jr. discloses the claimed wherein the predetermined attribute includes a real-time information attribute which is significant in recording digital data stream (alternative program source disclosed in cal. 17, lines 27-50).

Method claims 11 and 14-15 are rejected for the same reasons as discussed in apparatus claims 1 and 4-5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 17-20, 22-23, 26-30, 32-33, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo, Jr. (US 5,172,111).

Regarding claim 17, Olivo, Jr. discloses an image processing apparatus (Fig. 2B) for reproducing a recorded digital data stream, comprising:

determination means determining whether an object having a predetermined attribute exists recorded digital stream (detecting MCS disclosed in col. 7, lines 8-24);

designation means for designating reproducing form of the object having the predetermined attribute from a plurality of reproducing forms (selecting rate of the video program disclosed in col. 3, lines 16-44); and

reproducing control means for reproducing the recorded digital data stream while replacing the object with a new object based on the reproducing form designated by said designation means, in a case where said determination means determines that the object having the predetermined attribute exists (preventing playback of all or part of a program disclosed in col. 7, lines 24-61). However, Olivo, Jr. does not specifically disclose that the new object is a predetermined icon.

It is noted that displaying icon is old and well known in the art and; therefore, Official Notice is taken.

Olivo, Jr. also teaches that alternate program source can be different sources in col. 17, lines 1-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known icon into Olivo, Jr.'s system since it merely amounts to selecting alternative equivalent alternate program source.

Claim 18 is rejected for the same reasons as discussed in claim 17 above.

Regarding claim 19, Olivo Jr. discloses the claimed wherein the reproducing form designated said designation means using an audio object (audio program disclosed in col. 17, lines 27-41).

Regarding claim 20, Olivo Jr. discloses the claimed wherein the reproducing form designated by said designation means includes non-display of the object having the predetermined attribute (audio program disclosed in col. 17, lines 27-41).

Regarding claim 22, Olivo Jr. discloses all the claimed limitations as discussed in claim 17 above except for the claimed wherein the predetermined attribute includes an emergency news telop.

It is noted that emergency news telop is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the well known emergency news telop with the video signal of Okada et al in order to transmit the necessary emergency information to users.

Regarding claim 23, the claimed instruction means for instructing a reproduced icon on a display screen is old and well known in the art; and

means for changing a set value for designating the reproducing form in accordance with instruction operation of said instruction means is also old and well known in the art. Official Notices are again taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to the well known instruction means and means for changing a set value for designating the reproducing form in accordance with instruction operation of said instruction means for the same reason as discussed in claim 17 above.

Regarding claim 26, Olivo, Jr. also discloses the claimed wherein designation by said designation means can be executed during reproducing of the object having the predetermined attribute (selecting rate of the video program disclosed in col. 3, lines 16-44).

Method claims 27-30, 33, and 36 are rejected for the same reasons as discussed in apparatus claims 17-19, 23, and 26, respectively.

Claim 32 is rejected for the same reasons as discussed in claim 22 above.

Regarding claim 37, as discussed above with respect to claim 1, Olivo Jr. discloses all the claimed limitations except for providing a computer-readable recording medium.

It is noted that microprocessor is operated by using program stored in the ROM or RAM is old and well know in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known microprocessor having ROM or RAM into Olivo, Jr.'s system in order to simplify the process of controlling the system of Olivo Jr..

Regarding claim 38, as discussed above with respect to claim 17, Olivo, Jr. and the well known icon shows all the claimed limitations except for providing a computer-readable recording medium.

It is noted that microprocessor is operated by using program stored in the ROM or RAM is old and well know in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known microprocessor having ROM or RAM into Olivo Jr.'s system in order to simplify the process of controlling the system of Olivo, Jr..

5. Claims 2-3, 12-13, 24-25, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo, Jr. (US 5,172,111) in view of Ito et al (US 6,377,309 B1).

Regarding claim 2, Olivo, Jr. discloses an image processing apparatus as discussed in claim 1 above except for providing the claimed wherein the digital data stream includes a data stream coded by digital television MPEG4 scheme, and has main data and sub-data, the main data includes data having a plurality of objects divided in units of predetermined objects, and the sub-data includes attribute information of the object.

Ito et al teaches digital TV broadcast format having MPEG2 and MPEG4 wherein MPEG4 has main data and sub-data, the main data includes data having a plurality of objects divided in units of predetermined objects, and the sub-data includes attribute information of the object (col. 3, lines 55 to col. 4, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of encoding the data of Olivo, Jr. in a manner as taught by Ito et al in order to increase the transmission efficiency because MPEG4 has very high transmission efficiency (col. 3, lines 45-48 of Ito et al).

Regarding claim 3, Ito et al discloses the claimed wherein the digital data stream includes a digital television data stream containing an object coded by an MPEG 4 scheme and the sub-data multiplexed on an MPEG2 bitstream (col. 14, lines 48-52).

Claims 12-13 are rejected for the same reasons as discussed in claims 2-3 above, respectively.

Apparatus claims 24-25 are rejected for the same reasons as discussed in method claims 2-3 above, respectively.

Apparatus claims 34-35 are rejected for the same reasons as discussed in method claims 2-3 above, respectively.

6. Claims 6, 10, 16, 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo, Jr. (US 5,172,111) in view of Imai et al (US 6,744,968 B1).

Regarding claim 6, Olivo, Jr. discloses all the claimed limitations as discussed in claim 1 above except for providing the claimed timepiece means for measuring current time and said reproducing means replaces the object by another display based on time measurement by said timepiece means in reproducing the object having the predetermined attribute.

Imai et al teaches an editing system having editor window 40 having a current time area 41 for displaying the current time and the editing is performed based on the current time (col. 8, lines 4-17; co;. 12, lines 36-45, and col. 13, lines 12-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the editor window as taught by Imai et al into Olivo Jr.'s system in order to facilitate the editing of the video signal.

Claim 10 is rejected for the same reasons as discussed in claim 6 above.

Claim 16 is rejected for the same reasons as discussed in claim 6 above.

Regarding claim 21, Imai et al discloses the claimed wherein the reproducing form designated by said designation means includes display of time information obtained in recording the digital data stream (editor window disclosed in col. 12, lines 36-45).

Claim 31 is rejected for the same reasons as discussed in claim 21 above.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ